

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Medical Licensure  
(Amendment)**

**201 KAR 9:021. Medical and osteopathic schools approved by the board; denial or withdrawal of approval; application of KRS 311.271; postgraduate training requirements; approved programs; recognition of degrees.**

RELATES TO: KRS 311.271, 311.550, 311.560, 311.571

STATUTORY AUTHORITY: KRS 311.565(1)(b), 311.571(1)(d), (2)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(b) authorizes **[require]** the board to promulgate administrative regulations to establish requirements for a regular license to practice medicine or osteopathy in the Commonwealth of Kentucky. This administrative regulation establishes the requirements for board approval of medical or osteopathic schools~~[school]~~.

Section 1. (1) Except as provided by subsection (2) of this section:

(a) A license or permit shall not be issued by the board or retained by a licensee if an applicant or licensee has failed to provide the board proof that he is a graduate of a medical or osteopathic school, college, or university that has been approved by the board; and

(b) The requirement for board approval of an educational institution shall not be waived.

(2) An applicant for limited licensure-institutional practice pursuant to KRS 311.571(4) shall be granted a license without prior approval by the board of the medical or osteopathic school, college, or university from which he graduated if he has submitted proof:

(a) Of the educational institution's existence; and

(b) That he is a graduate thereof.

Section 2. Except as provided by Section 4 of this administrative regulation:

(1) A medical or osteopathic school, college, or university located in the United States, its territories or protectorates, or Canada shall be considered approved by the board; and

(2) A license or permit granted by a medical or osteopathic school, college, or university located in the United States, its territories or protectorates, or Canada shall be recognized if written proof is submitted that the educational institution is located in:

(a) The United States, its territories or protectorates, and accredited by the:

1. Liaison Committee on Medical Education; or

2. American Osteopathic Association Commission on Osteopathic College Accreditation; or

(b) Canada and approved or accredited by the Canadian Medical Association.

Section 3. Except as provided by Section 4 of this administrative regulation, a medical or osteopathic school, college, or university located outside the United States, its territories or protectorates, or Canada in which an applicant originally enrolled in any academic year through and concluding with academic year 2008-2009 shall be considered approved by the board, and a license or permit issued by a medical or osteopathic school, college, or university located outside the United States, its territories or protectorates, or Canada shall be recognized, if the educational institution:

(1) Is officially recognized in good standing by the country in which it is located;

(2) Is registered as a medical school, college, or university in the:

(a) World Health Organization directory; or

(b) World Directory of Medical Schools; and

- (3) Possesses a basic course of clinical and classroom medical instruction that is:
  - (a) Not less than thirty-two (32) months in length; and
  - (b) Under the educational institution's direct authority.

Section 4. Except as provided by Section 5 of this administrative regulation, a medical or osteopathic school, college, or university located outside the United States, its territories, or Canada in which an applicant originally enrolled in academic year 2009 - 2010 or any academic year thereafter shall be considered approved by the board, and a license or permit issued by a medical or osteopathic school, college, or university located outside the United States, its territories or protectorates, or Canada shall be recognized, if the educational institution:

- (1) Is officially recognized in good standing by the country in which it is located;
- (2) Is registered as a medical school, college, or university in the International Medical Educational Directory;
- (3) Requires that all courses be completed by physical on-site attendance in the country in which the school is chartered; and
- (4) Possesses a basic course of clinical and classroom medical instruction that is:
  - (a) Not less than thirty-two (32) months in length; and
  - (b) Under the educational institution's direct authority.

Section 5. (1) The board shall deny or revoke its approval of a medical or osteopathic school, college, or university that has failed to meet the requirements for approval established by this administrative regulation.

(2) If the board denies or withdraws its approval of a medical or osteopathic school, college, or university, it shall issue an order stating the grounds upon which the denial or approval was based.

Section 6. (1)(a) Except as provided by subsection (2) of this section, the degree of an applicant shall not be recognized unless an applicant has met the requirements established by this section.

(b) Except as provided by subsection (2) of this section, clinical clerkships that a medical school located outside the United States, its territories or protectorates, or Canada permits a student to perform in order to satisfy its curriculum's clinical requirements shall be approved if an applicant has established that:

1. The clinical clerkships he performed were equal in quality and character to the clinical training performed in the United States by students in American medical and osteopathic schools; and

2. The clinical clerkships he performed had been evaluated and approved by the foreign medical school:

- a. Prior to commencement; and
- b. As required by the foreign school's established standards for approval of clerkships performed in the United States.

(2) The board shall waive the requirements established by subsection (1) of this section, if an applicant:

- (a) Commenced a clerkship prior to February 12, 1985; and
- (b) Has verified that he has:
  - 1. Satisfactorily completed an approved three (3) year post graduate training program at one (1) hospital or institution; or
  - 2. Been accepted into, or is currently enrolled, in the second or third year of a postgraduate training program approved by the board.

Section 7. The executive director shall recommend for approval by the board the equivalency of premedical or preosteopathic units of study credited by a college or university located outside the United States or Canada on an individual basis.

Section 8. Amount of Postgraduate Training Required. An applicant for licensure shall provide written proof of having completed the postgraduate training required by this administrative regulation. (1) Pursuant to KRS 311.571(1)(d), an applicant for a regular license shall have satisfactorily completed:

(a) At least two (2) years of prescribed courses of postgraduate training in accordance with this administrative regulation; or

(b) At least one (1) year of prescribed courses of postgraduate training in accordance with this administrative regulation and an Oral and Maxillofacial Surgery program approved by the Commission on Dental Accreditation.

(2) Resident training license.

(a) Except as provided in paragraph (c) of this subsection, a resident in a Kentucky postgraduate training program accredited by the Accreditation Council for American College of Graduate Medical Education or the American Osteopathic Association shall receive a resident training license if the applicant has:

1. Completed one (1) year of postgraduate training in accordance with this administrative regulation;

2. Successfully completed:

a. One (1) of the examinations approved under 201 KAR 9:031, Section 2; or

b. One (1) of the combinations of examinations approved under 201 KAR 9:031, Section 1; and

3. Paid to the board a seventy-five (75) dollar fee.

(b) The resident training license shall permit its holder to practice medicine within the institution or in a setting approved by the postgraduate training program.

(c) The resident training license shall not be issued to a second-year resident without a recommendation by the director of the postgraduate training program and the approval of the board.

Section 9. Postgraduate Training Programs Approved by the Board. The following postgraduate training programs shall meet the postgraduate training requirement for licensure:

(1) All postgraduate training programs in hospitals and institutions located in the United States and approved by the Accreditation Council for Graduate Medical Education;

(2) All postgraduate training programs in hospitals and institutions located in Canada; and

(3) All postgraduate training programs in hospitals and institutions located in the United States or Canada and approved by the American Osteopathic Association.

Section 10. Fellowship Training in the United States or Canada. The board shall consider on an individual basis written proof of satisfactory completion of fellowship training recognized by the board to be of satisfactory quality as substitution for the second year of required postgraduate training approved by the board pursuant to this administrative regulation.

RUSSELL L. TRAVIS, M.D., President

APPROVED: April 11, 2018

FILED WITH LRC: April 12, 2018 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administra-

tive regulation shall be held on May 23, 2018 at 9:00 a.m., at the offices of the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing by May 16, 2018, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be transcribed unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7150, fax (502) 429-7118, email [Leanne.Diakov@ky.gov](mailto:Leanne.Diakov@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for board approval of medical or osteopathic schools.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish requirements for board approval of medical or osteopathic schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish the requirements for board approval of medical or osteopathic schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specially to establish the requirements for board approval of medical or osteopathic schools.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment corrects citations to osteopathic organizations.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correct citations to osteopathic organizations.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment acts specifically to correct citations to osteopathic organizations.

(d) How the amendment will assist in the effective administration of the statutes: This amendment acts specifically to correct citations to osteopathic organizations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all physicians who may obtain a license to practice medicine or osteopathy in the Commonwealth of Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Will correct citations to osteopathic organizations.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: None.
- (b) On a continuing basis: None.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding comes directly from applicants/licensees.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Will not increase any fees.
- (9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to those individuals regulated by it.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

- (1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Board of Medical Licensure will be impacted by this administrative regulation.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 311.565(1)(a), (b), 311.601(1), (2)
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None
- (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None
- (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None
- (c) How much will it cost to administer this program for the first year? None
- (d) How much will it cost to administer this program for subsequent years? None
- Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: